

**FILED**

**APR 25 2012**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**LESTER LESHON CORLEY,**

Plaintiff,

v.

**FEDERAL BUREAU OF PRISONS,  
320 FIRST STREET N.W.,  
WASHINGTON, D.C. 20534  
Defendant.**

#  
11507021  
F.C.I. BASTROP  
P.O. 1010  
BASTROP, TX. 78602

Case: 1:12-cv-00656  
Assigned To : Kollar-Kotelly, Colleen  
Assign. Date : 4/25/2012  
Description: FOIA/Privacy Act

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

COMES NOW Petitioner, Lester L. Corley, *pro se*, who respectfully moves this Court for an Order of Declaratory and Injunctive Relief in this action, under 5 U.S.C. § 552, the Freedom of Information Act. Plaintiff respectfully requests this Court issue an Order that the Federal Bureau of Prisons ("FBOP") to disclose requested records. In support of this Motion, Plaintiff would show as follows:

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 582, as amended, and the Privacy Act ("PA"), 5 U.S.C. § 582a, to order the production of agency records previously requested by Plaintiff pursuant to the above referenced Acts and which requests have been ignored by the defendant agency.
2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(A)(4)(b); 5 U.S.C. § 552a(g)(1)(B); (g)(1)(D); (g)(3)(A); (g)(3)(B); (g)(4)(A); and (g)(4)(B).
3. Plaintiff Lester L. Corley is a federal prisoner in the Federal Correctional Institution at Bastrop, Texas. He is the requestor of the withheld records.

**RECEIVED**

**APR 16 2012**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

4. Defendant Federal Bureau of Prisons is an agency of the United States, and it has possession of, and control over the records that Plaintiff seeks.

5. On December 17, 2011, Plaintiff made the following request to the defendant agency. A true copy of this request is attached as Exhibit A. No response was ever received.

All written and electronic communications concerning me between any of the following FCI Bastrop RDAP officials: T. Michel, Staff Members Ting, Klekar, White, Hernandez, and Rodriguez, any and all communications from any BOP personnel to the United States District Court Clerks Office, Southern District of Georgia or the United States Attorney in any office, concerning me or any aspect of my stay in the Bureau of Prisons. Additionally all telephone records concerning these listed individuals to Area Code 912 from the time from November 17, 2011 through December 6, 2011.

6. Over sixty (60) days have passed since the Agency received the request, and the agency has done nothing to act on the request.

7. Plaintiff has a statutory right to the records he seeks, and there is no legal basis for the defendants refusal to disclose them to him. Plaintiff has made a showing that the FBOP has improperly withheld agency records.

8. Therefore, Plaintiff prays that this Court:

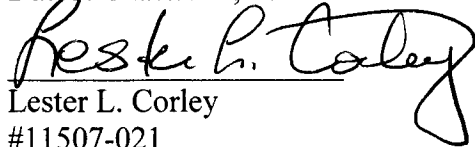
A. Declare the defendant's refusal to disclose the records requested by Plaintiff is unlawful;

B. Issue an injunction to prevent the FBOP from relying on their invalid practice of either: (i) not responding at all to FOIA/PA requests; or (ii) responding with a standard form "10 day letter" and then not taking any action honoring or denying the request; (iii) make a written finding that the circumstances surrounding the withholding raise questions whether there has been arbitrary or capricious agency action and make a referral to the Merit Systems Protection Board for investigation pursuant to subsection (a)(4)(F); (iv) award Plaintiff his costs and

reasonable fees in this action; (v) expedite this lawsuit pursuant to 28 U.S.C. § 1657(a); and grant such other and further relief as the court may deem just and proper.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 the foregoing is true and correct, to the best of my knowledge.

Dated: March 22, 2012



Lester L. Corley

#11507-021

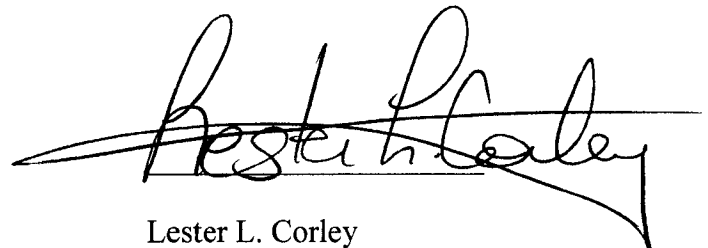
P.O. Box 1010

Bastrop, TX 78602-1010

**CERTIFICATE OF SERVICE**

I hereby certify that on April 13<sup>th</sup>, 2012 I sent a true and accurate copy of the foregoing to Federal Bureau of Prisons, 320 First Street N.W., Washington, DC 20534, via first-class mail, postage prepaid.

Date: April 13<sup>th</sup>



Lester L. Corley

cc: U.S. Dept of Justice  
United States Attorney  
Judiciary Center Bldg  
555 4th St N.W. - CIVIL DIVISION  
Washington, DC 20530

Exhibit A.

February 27th, 2012

FOIA/PA Division  
FBOP/ central Office  
320 First Street, NW  
Washington, D.C. 20534

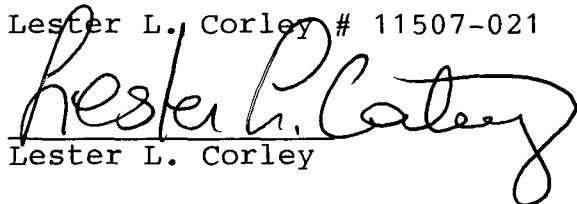
Reference: February 04th, 2012 Request: No response per Title 5 USC  
§ 552(6)(a)(J) (10)day period:

FOIA/PA Divison:

Request sent over the (10) day response period and no response per  
policy please respond with appropriate date and response time and  
filing number?

Thank you,

Lester L. Corley # 11507-021 FCI Bastrop Houston Unit PO box 1010  
Bastrop, Texas 78602

  
Lester L. Corley

SS# 254-19-2249 DOB 07/21/73

## **FREEDOM OF INFORMATION ACT/PRIVACY ACT REQUEST**

### **NOTICE:**

**NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL  
NOTICE TO THE PRINCIPAL IS NOTICE TO THE AGENT  
APPLICABLE TO ALL ASSIGNEES AND SUCCESSORS**

**TO:** Bureau of Prisons  
FOIA Officer  
320 1st Street  
Washington, D. C. 20534

### **DIRECT RESPONSE TO:**

Lester Leshon Corley  
11507-021  
Post Office Box 1010  
Bastrop, Texas 78602-1010

### **IDENTIFICATION OF REQUESTER:**

**[ IN ACCORDANCE WITH: 28 CFR 16.11 (d) ]**

Date of Birth: July 21, 1973  
Social Security Number: 254-19-2249

**This is a non-commercial request for information pursuant to: [TITLE 5 USC §§ 552, 552(a)(d)(1), 552(a)(4)(v)], for a copy of all records in the possession of your agency concerning specifically:**

During the specific timeframe of November 17, 2011 through December 6, 2011, I am requesting all written and electronic communication between any of the following FCI Bastrop RDAP Officials (Dr. T. Michel, Chief Psychologist/RDAP Coordinator, and DTS Staff Members Ting, Klekar, White, Hernandez, and Rodriguez) and any person or entity in the Clerk's Office in the Southern District of Georgia, United States Attorney, or anyone connected with or Judge B. Avant Edenfield himself. Additionally, all telephone records of any incoming or any outgoing telephone calls from these individuals to Area Code 912 during this specific timeframe.

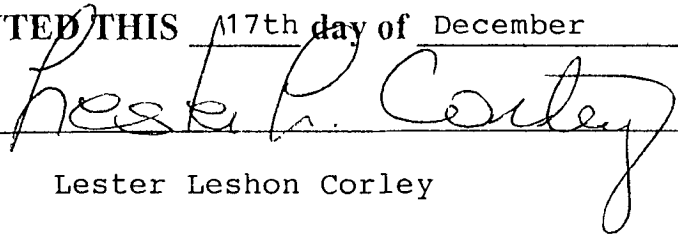
I agree to pay any reasonable costs/fees applicable to this request, above beyond the specified fees/costs applicable at no charge pursuant to the Uniform Practice Code, the OMB Uniform FOIA schedule & guidelines 6(b), FEDERAL REGULATION 10017, in compliance with [Title 31 USC §§ 9701], or if I am considered indigent, I ask that all costs/fees be WAIVED by your agency, pursuant to [Title 5 USC §§ 552(a)(i)(3) et seq.]

In accordance with the statute, I will expect a response within the Ten (10) days allotted.

I certify, under the penalty of perjury, under the laws of the United States of America, in the Nature of: [Title 28 USC 1746(1)] that I have read the foregoing request for records and knowing the contents thereof, and that the information listed herein/above, full name, correct address, is correct, true and complete.

EXECUTED THIS 17th day of December, 20 11.

Signed

  
Lester Leshon Corley

c/c

February 27th, 2012

FOIA/PA REQUEST FROM DECEMBER 17th 2011 Unanswered?

From Lester L. Corley # 11507-021  
FCI bastrop/ Houston Unit Bastrop, Texas 78602

SS# 254-19-2249

Dear Sir/Madam/BOP FOIA/PA Division:

I had filed this request two months ago and never received the appropriate response pursuant to 5 U.S.C. § 552(6)(a)(J) and the (10) day working days of receipt?

Please appropriately send the FOIA/PA number and response time?

Respectfully,

A handwritten signature in black ink, appearing to read "Lester L. Corley", is written over a horizontal line.

Lester L. Corley # 11507-021  
FCI bastrop PO box 1010 Bastrop, Texas 78602

Exhibit A

February 04th, 2012

to/

FOIA/PA Division FBOP  
Central office  
320 First Street, NW  
Washington, DC 20534

Reference FOIA/pa Request :

Reference: Lester L. Corley # 11507-021  
FCI bastrop/ Houston Unit  
PO box 1010 Bastrop, Tex 78602

To Whom It May Concern:

Request for all documents including the signing by RDAP staff five staff members from FCI RADP team for expulsion from RDAP as reason. Documents are located with Dr. Theresa Johnson RDAP regional coordinator South Central Regional Office.

Time frame November 17th thru November 25th, 2011 FCI abtrop, Texas.

Specific request deals with actual team explanation as to reason for expulsion and termination from RDAP and the five staff signatures stating reason to be braking of confidentiality terms 3621 (e) and RDAP criteria. Alleged no statement of denial by inmate.

Documents exist with regional office and RDAP staff Bastrop psychological branch.



Lester L. Corley # 11507-021 Houston Unit  
FCI bastrop/ Houston unit  
PO box 1010 Bastrop, Tx 78602



February 04th, 2012

To:

FOIA/PA Division  
Federal Bureau of Prisons  
Central office Holc Bldg  
320 First Street NW  
Washington, DC 20534

Re: FREEDOM OF INFORMATION ACT (5 U.S.C. §552)  
PRIVACY ACT (5 U.S.C. §552a(d)(1))  
**REQUEST:** EXEMPTIONS (5 U.S.C. §552(6)(c)(b)(7)),  
**GENERAL** (5 U.S.C. §552a(j)(2)), or  
**SPECIFIC** (5 U.S.C. §552a(k)(2))  
**NOT APPLICABLE TO THIS REQUEST.**

Dear Sir:

This letter constitutes a formal request for copies of records pursuant to the provisions of the Freedom of Information Act, (5 U.S.C. §552) and the Privacy Act of 1974, (5 U.S.C. §552a(d)(1)). I request that your agency conduct a search of your systems of records that your agency has maintained under my name and/or an identifier assigned to my name. This request is sought specifically for amendment, deletion and/or expungment (5 U.S.C. §552a(d)(a)) of records maintained by your Agency. The records sought, but not limited to, are the compiled files containing (1) arrest reports; (2) investigation and/or investigatory records; (3) reports of evidentiary and/or scientific informational findings; (4) final and closing investigation reports; and (5) any and/or all information, data, or reports not otherwise exempted by statute (5 U.S.C. §552(6)(c)(b)(7)); (5 U.S.C. §552a (j)(2), (k)(2), or law; Tarlton vs. Saxbe, 507 F. 2d 1116, 165 U.S. App. D.C. 293 (1974); Menard vs. Saxbe, 498 F. 2d 1017, 162 U.S. App. D.C. 284 (1974); Sullivan vs. Murphy, 478 F. 2d 938, 156 U.S. App. D.C. (1973). This should, in particular, be the ones pertaining to the Justice Department and any member of the department's staff or agents, and any of its subordinate agencies, including, but not limited to, the Federal Bureau of Investigation, the Internal Revenue Service, the U.S. Marshal's Service, the U.S. Attorney's Office(s), The U.S. Probation & Parole Service, and the Immigration & Naturalization Service. This request is also being made to any and all applicable agencies other than those of the U.S. Department of Justice, including State and Local Agencies.

It is further requested that your Agency in response to the material requested, specifically inform me if and to whom the file and/or any material therein contained has been released to any identifiable individual or agency, their name, title, purpose and need for such information, the date of such release, the specific material that was released, the person within your Agency who released such information, and the specific reference to authority, statute or regulation, governing such release (5 U.S.C. § 552a(d)(1)); Paton

vs. Laprade, 524 R. 2d 862 (3rd Cir. 1975); Tarton vs. Saxbe, 507 F. 2d 1116, 165 U.S. App. D.C. 293 (1974); of Linda R.S. vs. Richard D. 410 U.S. 614, 93 S. Ct. 1146, 35 L. Ed. 2d 536 (1973).

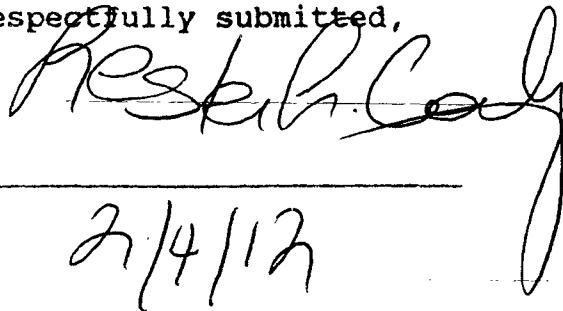
It is further requested that your Agency provide me with a copy of specific regulations of your department as provided by statute (5 U.S.C. §552), so that compliance with such regulations is adhered to except as otherwise provided by law (5 U.S.C. §701 et seq.)

This request is made under the Freedom of Information Act (5 U.S.C. §552) and the Privacy Act (5 U.S.C. §552a)(together with the "alternate means of access"), to permit me maximum access to the records in and maintained on file in your Agency. If and for any reason it is determined that portions of the material/records sought is exempt by statute (5 U.S.C. §552(6)(c)(b)(7), 552a(j)(2), (k)(2) or by regulation (Menard vs. Mitchell, 430 F. 2d 486, 139 U.S. App. D.C. 113 (1970); Nemetz vs. Department of Treasury, 446 F. Supp. 102), I request specific citation to authority for such deletion. If it should be determined that any material be deemed **CONFIDENTIAL** due to identification of source, then permission is granted to the Agency to delete source identification **ONLY** from the material for release. (Paton vs. Laprade, 524 F. 2d 362 (3rd Cir. 1975); Chastain vs. Kelly, 510 F. 2d 1232).

I further request that as a result of my indigency as a prisoner, that a substantial reduction of applicable fee(s) be considered and affixed. Upon notice of the necessary and reasonable fee for the fulfilling of my request, same will be forwarded to your Agency promptly.

Pursuant to Title 5 U.S.C. §552(6)(a)(j), it is noted that your Agency has ten (10) working days following receipt of this request to provide the information and material sought. Should any reasonable delay be occasioned, it is requested that your Agency inform me of this delay as provided by Agency regulation and the date as to when your Agency will be able to act upon the request.

Respectfully submitted,

  
2/4/12